

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

NORMAN DEANDRE ADAMS,)
Plaintiff,)
v.)
OBION COUNTY, TENNESSEE,)
GARY “JIP” LOFTON,)
MIKE RICHARDS, and)
BENNY McGUIRE in their Official and)
Individual capacities, AND JOHN DOE,)
Defendants.)

No. 1:19-cv-1121-STA-dkv

**ORDER GRANTING PLAINTIFF'S MOTION TO AMEND
ORDER DENYING DEFENDANTS' MOTIONS TO DISMISS AS MOOT**

Before the Court is Plaintiff Norman DeAndre Adams' Motion for Extension (ECF No. 23) filed on October 18, 2019. Plaintiff seeks leave to amend his pleadings and cure certain defects identified in separate Rule 12(b)(6) Motions filed by Defendant Mike Richards and Defendants Gary Lofton, Benny McGuire, and Obion County, Tennessee. According to Plaintiff's certificate of consultation, Defendants do not oppose his request to amend. For good cause shown, the Motion is **GRANTED**. Plaintiff has attached a copy of his proposed amended pleading to the Motion. For the sake of clarity, Plaintiff should file his amended pleading as a separate docket entry.

This leaves Defendants' pending Motions to Dismiss (ECF Nos. 14, 15) the initial Complaint. Because the Court is granting Plaintiff leave to amend his pleadings, the Motions to Dismiss the original Complaint are now moot. It is well-settled that an amended complaint

supersedes the original complaint and renders the initial pleading a nullity. *Heyward v. Cleveland Clinic Found.*, 759 F.3d 601, 617 (6th Cir. 2014) (citation omitted). Courts in this Circuit routinely deny motions to dismiss a complaint as moot after a plaintiff subsequently files an amended complaint. *E.g., Pinks v. Lowe's Home Centers, Inc.*, 83 F. App'x 90 (6th Cir. 2003); *Am. Nat'l Prop. & Cas. Co. v. Stutte*, 298 F.R.D. 376, 380 (E.D. Tenn. 2014); *Okolo v. Metro. Gov't of Nashville*, 892 F. Supp. 2d 931, 948 (M.D. Tenn. 2012); *Ellis v. Kaye-Kibbey*, 581 F. Supp. 2d 861 (W.D. Mich. 2008). In light of the fact that the Court is granting Plaintiff leave to file an amended complaint, the original Complaint will be, strictly speaking, a nullity. Therefore, Defendants' Motions to Dismiss the initial Complaint are **DENIED** as moot and without prejudice to Defendants' right to raise the same arguments and defenses in a subsequently filed dispositive motion.

IT IS SO ORDERED.

s/ **S. Thomas Anderson**
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Date: October 18, 2019